

REMARKS/ARGUMENTS

Status of the Claims

Before this Amendment, claims 14-18, 24-27, 29-33, 35-37, and 39-46 stood withdrawn by the Examiner, and yet remain present for examination. Claims 14-17, 24, 26, 29, 35, and 38 are amended. Claims 39-43 are canceled, and no new claims are added. Therefore, claims 14-18, 24-27, 29-33, 35-38, and 44-46 are present for examination, and claims 14, 24, 29, 35, and 38 are the independent claims. No new matter is added by these amendments.

An Office Action dated June 16, 2005 ("2005 Office Action") rejected claims 14-18, 24-27, and 39-44 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,677,955 ("Doggett") and U.S. Patent No. 5,920,847 ("Kolling"). The Office Action rejected claims 29-33 and 35-37 under 35 U.S.C. § 103(a) as unpatentable over Doggett, Kolling, and U.S. Patent No. 5,987,140 ("Rowney"). The 2005 Office Action rejected Claim 45 under 35 U.S.C. § 103(a) as unpatentable over Doggett, Kolling, and U.S. Patent No. 6,193,155 ("Walker"). The 2005 Office Action rejected Claim 46 under 35 U.S.C. § 103(a) as unpatentable over Doggett, Kolling, Rowney, and U.S. Patent No. 6,442,529 ("Krishan").

The Decision on Appeal (the "Decision") of the Board of Patent Appeals and Interferences (the "Board") in Appeal No. 2007-1683, dated July 27, 2007, sustained the Examiner's rejections.

An Office Action dated August 1, 2007 ("2007 Office Action") rejected independent claim 38 under 35 U.S.C. § 103(a) as unpatentable over Doggett, Kolling, and Rowney. The 2007 Office Action withdrew claims 14-18, 24-27, 29-33, 35-37, and 39-46.

37 C.F.R. § 1.198 provides that prosecution may be reopened under the provisions of 37 C.F.R. § 1.114 after a final decision by the board. Specifically, MPEP § 1214.07 provides that if an

amendment ... filed after the Board's decision ... is submitted with a request for continued examination (RCE) under 37 CFR § 1.114 and the fee set

forth in 37 CFR § 1.17(e), prosecution of the application will be reopened and the amendment will be entered.

A Request for Continued Examination and associated fee are filed concurrently herewith, and Applicants respectfully request that prosecution be reopened for the withdrawn claims, as amended. Therefore, Applicants respectfully request examination of claims 14-18, 24-27, 29-33, 35-38, and 44-46, and ask that the rejection be reconsidered.

35 U.S.C. § 103(a) Rejections - Doggett, Kolling, and Rowney

The 2005 Office Action rejected independent claims 14 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Doggett and Kolling. The 2005 and 2007 Office Actions rejected independent claims 29, 35, and 38 under U.S.C. § 103(a) as unpatentable over Doggett, Kolling, and Rowney. To establish a *prima facie* case of obviousness, the prior art references must “teach or suggest all the claim limitations.” MPEP § 2143. Applicant respectfully submits that the cited references cannot be relied upon to teach or suggest the limitations of independent claims.

Specifically, Doggett, Kolling, and Rowney cannot be relied upon to teach or suggest 1) receiving, at a funds transfer system, selection of a private payment option indicating a choice by a purchaser for private transfer of financial information from the purchaser to the funds transfer system exclusive of the vendor system. These references also fail to teach or suggest 2) establishing a secure connection between the funds transfer system and the purchaser, the secure connection preventing access by the vendor system during the transfer of the financial information over the secure connection. In addition, the cited references cannot be relied upon to teach or suggest 3) the different types of communications over the secure connection set forth in the independent claims. These, and similar limitations, may be found in independent claims 14, 24, 29, 35, and 38.

Applicants respectfully submit that the specified limitations in independent claims 14, 24, 29, 35 and 38 are allowable for at least the foregoing reasons. Claims 15-18, 25-27, 31-33, 36, 37, and 44-46 each depend from these independent claims, and are believed allowable for

at least the same reasons as given above. Applicants, therefore, respectfully request that the § 103(a) rejections to these claims be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "MLD", is written over the printed name.

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